



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HOLLUMS *et al.*

Appl. No. 09/881,734

Filed: June 18, 2001

For: **System, Method and Computer
Program Product for Scheduling
Burst Profile Changes Based on
Minislot Count**

Confirmation No. 8770

Art Unit: 2663

Examiner: Vu, H.D.

Atty. Docket: 1875.0700004

Information Disclosure Statement

RECEIVED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OCT 23 2003

Technology Center 2600

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO/SB/08A, and PTO/SB/08B Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application

does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97((b)). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

c. Attached is our PTO-2038 Credit Card Payment Form [OR] Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).

4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

5. The documents were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the

foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.

- 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- 7. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO/SB/08A, and PTO/SB/08B, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

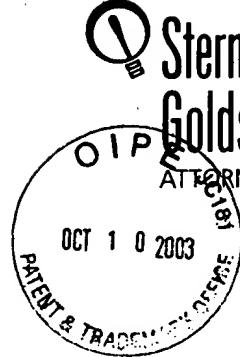


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Date: October 10, 2003

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SKGF_DC1:187003.1



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October 10, 2003

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P.O. Box 1450
Alexandria, VA 22313-1450

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Re: U.S. Utility Patent Application
Appl. No. 09/881,734; Filed: June 18, 2001
For: **System, Method and Computer Program Product for
Scheduling Burst Profile Changes Based on Minislot Count**
Inventors: HOLLUMS *et al.*
Our Ref: 1875.0700004

Sir:

Transmitted herewith for appropriate action are the following documents:;

1. Information Disclosure Statement (IDS);
2. List of cited documents on Form PTO/SB/08A (1 sheet);
3. List of cited documents on Form PTO/SB/08B (1 sheet);
4. A copy of each document cited on Form PTO/SB/08A (4 documents: **AL1-AO1**);
5. A copy of each document cited on Form PTO/SB/08B (1 document: **AV1**); and
6. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
October 10, 2003
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Edward W. Yee
Attorney for Applicants
Registration No. 47,294

RES/EWY/acr
Enclosures

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Substitute for form 1449A/PTO

OCT 1 0 2003

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

1

of

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Complete if Known

Application Number	09/881,734
Filing Date	June 18, 2001
First Named Inventor	A. Scott HOLLUMS
Art Unit	2663
Examiner Name	Vu, H.D.
Attorney Docket Number	1875.0700004

U.S. PATENT DOCUMENTS

RECEIVED

OCT 23 2003

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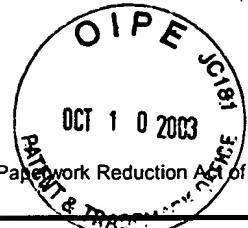
FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant or Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	AL1	WO 97/40449	10-30-1997	PCT		
	AM1	WO 99/38274	07-29-1999	PCT		
	AN1	FR 2 775 547 - A1	03-02-1999	FR		
	AO1	EP 1 063 801 A2	12-27-2000	EPO		
	API					
	AQ1					
	ARI					
	ASI					
	AT1					
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Substitute for form 1449B/PTO				<i>Complete if Known</i>	
				Application Number	09/881,734
				Filing Date	June 18, 2001
				First Named Inventor	A. Scott HOLLUMS
				Art Unit	2863
				Examiner Name	Vu, H.D.
Sheet	1	of	1	Attorney Docket Number	1875.0700004
NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published			T ²
	AV1	European Search Report for European Application No. 02250204.1, Issued September 18, 2003.			
Examiner Signature				Date Considered	

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¹ Applicant's unique citation designation number (optional) ² Applicant is to place a check mark here if English language Translation is attached.

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